

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, DC 20554

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DEC 10 2003

Federal Communications Commission  
 Office of the Secretary

In the Matter of )  
 )  
 Federal-State Joint Board on )  
 Universal Service )  
 )  
 Telecommunications Regulatory Board )  
 of Puerto Rico )  
 )  
 Request for Waiver of State Certification )  
 Requirements for High-Cost Universal )  
 Service Support )  
 \_\_\_\_\_ )

WCB Docket No. 03-\_\_\_\_\_

**CC: 96-45**

**REQUEST FOR WAIVER OF STATE CERTIFICATION REQUIREMENTS FOR  
 HIGH-COST UNIVERSAL SERVICE SUPPORT**

Pursuant to Section 1.3 of the Federal Communications Commission's ("FCC" or "Commission") rules, 47 C.F.R. § 1.3, the Puerto Rico Telephone Company ("PRT") hereby requests a waiver of Section 54.313(d) of the Commission's rules to allow the certification issued by the Telecommunications Regulatory Board of Puerto Rico ("TRB" or "Board") on December 8, 2003 to qualify PRT for federal universal service support for the full calendar year 2004. The TRB is required to certify that non-rural incumbent local exchange carriers are eligible to receive federal universal service support for the upcoming calendar year. Section 54.313(d) of the Commission's rules requires that this certification to be made by October 1, 2003 in order for a non-rural carrier to receive high-cost and interim hold-harmless support for the first quarter of the following year. PRT now only receives Long Term Support under the

interim hold-harmless rules. PRT herein seeks an expedited waiver of Section 54.313 to guarantee PRT will receive Long Term Support for all of calendar year 2004.

Granting this request is in the public interest because it ensures that PRT will receive badly needed hold-harmless support for the year 2004. The failure to meet the certification deadline was inadvertent and stemmed from PRT's misunderstanding of the certification status. Prior to October 1, PRT believed, it now turns out erroneously, that no further information was required before the TRB would issue its certification letter. This incorrect understanding was exacerbated by incorrect information posted on the USAC website. PRT did not formally request certification from the TRB because the USAC "Certification Checklist Search Results" indicates that the TRB issued a certification on September 29, 2003 for both PRT study areas. See Exhibit 1 (<http://www.universalservice.org/hc/checklist/result.asp>). PRT thus thought that the certification had been issued and filed. However, the USAC website posting is in error. Once PRT realized the mistake, PRT promptly filed with the Board the required information to allow the Board to issue the certification letter. PRT should not be faulted for their good faith reliance on USAC's publicly available records.

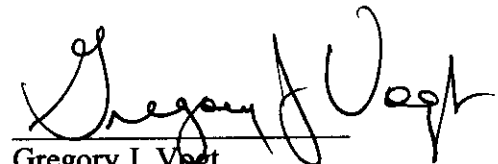
Moreover, the waiver request is consistent with two other waivers granted to states that inadvertently missed the certification deadline. See generally *Connecticut Department of Public Utility Control, Request for Waiver of State Certification Requirements for High-Cost Universal Service Support for Rural Carriers*, Order, DA 02-3406 (rel. Dec. 11, 2002); *West Virginia Public Service Commission, Request for Waiver of State Certification Requirements for High-Cost Universal Service Support for Non-Rural Carriers*, Order, FCC 01-86 (rel. Mar. 13, 2001). The West Virginia case is directly analogous to this waiver request. The West Virginia Commission had "inadvertent[ly]" failed to meet the October deadline, yet the Commission

granted the waiver request because “the potential harm that would be suffered by customers of non-rural carriers in West Virginia ... justifies a waiver in this instance.” A pivotal fact for the Commission was that absent a waiver the impact could be “particularly egregious in a state such as West Virginia, which historically has service costs in excess of the national average.” *Id.*, ¶ 7. PRT is entitled to approximately \$88 million in Long Term Support, or roughly \$7.35 million per month.

Based on the foregoing, PRT has shown good cause for its waiver request. This waiver is in the public interest, as it will ensure that consumers in high-cost areas in Puerto Rico are not harmed by the confusion related to the required certification.

RESPECTFULLY SUBMITTED,

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December 8, 2003

## Certification Checklists Results High Cost (USAC)

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**USAC**

Home **High Cost** Low Income Rural Health Care Schools & Libraries

HO Main Certification Checklists Search

### Certification Checklist Search Results

<p><b>Overview</b></p> <ul style="list-style-type: none"> <li>Overview Page</li> <li>Introduction/Welcome</li> <li>Why High Cost?</li> </ul> <p><b>Connecticut</b></p> <ul style="list-style-type: none"> <li>High Cost Support</li> <li>High Cost Support</li> <li>High Cost Support</li> <li>High Cost Support</li> <li>High Cost Support</li> <li>High Cost Support</li> </ul> <p><b>Telephone Carriers</b></p> <ul style="list-style-type: none"> <li>AT&amp;T</li> <li>Verizon</li> <li>CenturyLink</li> <li>Comcast</li> <li>Earthlink</li> <li>Level 3</li> <li>Verizon</li> </ul> <p><b>Tools</b></p> <ul style="list-style-type: none"> <li>High Cost Model</li> <li>High Cost Checklist</li> <li>High Cost Checklist</li> <li>High Cost Checklist</li> </ul> <p><b>Forms</b></p> <ul style="list-style-type: none"> <li>High Cost Checklist</li> <li>High Cost Checklist</li> </ul>	<p><b>Study Area Name:</b> Centennial Puerto Rico Operations Corp.</p> <p><b>Study Area Code:</b> 639001</p> <p><b>State:</b> PR</p> <p><b>October1 2003:</b> 10/01/2003</p> <p><b>Study Area Name:</b> Puerto Rico Telephone Company</p> <p><b>Study Area Code:</b> 633200</p> <p><b>State:</b> PR</p> <p><b>October1 2003:</b> 09/29/2003</p> <p><b>Study Area Name:</b> Puerto Rico Telephone Company, Inc.</p> <p><b>Study Area Code:</b> 633201</p> <p><b>State:</b> PR</p> <p><b>October1 2003:</b> 09/29/2003</p> <p><b>Study Area Name:</b> Sprint PCS PR</p> <p><b>Study Area Code:</b> 639002</p> <p><b>State:</b> PR</p> <p><b>October1 2003:</b> 6/30/2003</p> <p><b>Study Area Name:</b> Telecorp dba AT and T Wireless</p> <p><b>Study Area Code:</b> 639003</p> <p><b>State:</b> PR</p> <p><b>October1 2003:</b> 09/26/2003</p>	<p><b>QUICK LINKS</b></p> <ul style="list-style-type: none"> <li>Certification Checklists</li> <li>Maps</li> <li>Sample Letters</li> <li>Forms</li> <li>FCC Filings</li> </ul> <p><b>SITE SEARCH</b></p> <p>Search Tips</p> <p><b>CONTACT INFO</b></p> <ul style="list-style-type: none"> <li>Contact Us</li> <li>Report Fraud, Waste and Abuse with our Whistleblower Hotline</li> </ul> <p><b>SITE HELP</b></p> <ul style="list-style-type: none"> <li>Get Help!</li> <li>FAQs</li> <li>Site Map</li> <li>Site Tour</li> <li>Website Policy</li> </ul>
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New Search